

1860-007 Chancery Causes. Cdn. of Stephen B. F. Habern & by vs. Stephen B. F. Habern & Lee Co.

Jones, Haburn, Barron

CA-Estate Dispute  
T-Property



To The Honorable Samuel V. Fullerson  
Judge of the Circuit Court of Lee County

The bill of complaint of William  
A Jones guardian of Stephen B F Haburn and  
Malissa C Haburn his wards and infant heirs at  
law of Andrew J Haburn Deed respectfully  
represents that about the day of 18  
Andrew J Haburn the father of the said infants  
departed this life in said county intestate from  
whom certain real estate situated in said county  
(~~descended from the estate of his father Stephen B Haburn~~  
<sup>descended from the estate of his father-in-law Stephen Jones dec. by purchase of said for out</sup>  
descended to his widow and children his heirs at  
law who obtained partition of said lands, and in  
said division of said lands there was allotted to  
your orators said infant wards the following  
parcels of land to-wit one seventh of fifty acres of land  
purchased from Solomon Collier in one parcel also  
six acres and thirteen poles in another parcel Also  
one seventh of one twelfth in Mary Jones dower in  
another parcel <sup>to be possessed at her death - she being the widow of S Jones dec.</sup> Also one seventh of one twelfth in  
Mary Jones dower in another parcel <sup>to be possessed as afore said</sup> Also ten acres  
purchased by Andrew J Haburn <sup>and paid for with the means of S Jones estate</sup> from Ransom Russell,  
in another parcel. Your orator would further state  
that his wife Manasha Ann Jones who was the widow  
of said Andrew J Haburn is entitled to dower in  
the above parcels of land, for a more particular descrip-  
-tion of which said several parcels of land your orator  
refers to a written description thereof which is  
herewith filed as part of this bill marked (A)  
These small parcels of land are entirely disconnected  
and without lumber necessary to fence them so that  
they can not be made productive or valuable for farming  
operations, and the interest of the sum that they  
will sell for will amount to four times as much as  
the rents of the lands after deducting expense of keeping up  
fencing &c. The persons who own the lands that these



Small parcels join are anxious to purchase them and will give very fair prices for them and it is believed that the shares of your orators said wards in said lands will sell for \$200.00 each and the said Manasha Ann Jones who as aforesaid is entitled to dower in said parcels of land is willing and anxious that her interest be sold in connection with the said interests of her said two children as it is entirely unproductive to her and the said parcels will command a better price by selling all the interests therein together. The said Stephen

B F Habern is about 9 years of age and the said Malissa le Habern is about 7 years of age and the personal estate to which your orators said wards are entitled is believed to be worth about \$150.00 each Your orator would further state that the said Manasha Ann Jones the mother of your orators said wards who is entitled to dower in said lands ~~and~~

~~who~~ would be the heirs at law of your orators said infant wards to inherit said property at their death. Your orator knows that the interest of his said wards will be greatly promoted by making sale of their interests in said property and placing the proceeds among themselves and at interest for their benefit and your orator being without an adequate remedy at common law for the purpose and relievable only in a court of equity his prayer therefore is that the said Stephen B F Habern Malissa le Habern Manasha Ann Jones

be made parties Defts to this bill and be required to make full true and perfect answer thereto on oath that a guardian ad litem be appointed to answer for said infant Defendants that upon a final hearing of the cause a decree be rendered by your Honor appointing a commissioner to sale of said undivided interests of said infants in property together with the interest of said Manasha Ann Jones herein upon such terms as your Honor may deem best for promoting the interests of said infants and moreover directing in said decree or a subsequent one what portion of the proceeds of said sale shall be paid to Deft Manasha Ann Jones for her dower interest in said lands and directing how the shares of said infant wards of said proceeds of said sale shall be disposed of by your orator for the advancement of their pecuniary interests, and that such other and further relief be extended by your Honor to your orator in the premises as to justice and equity belongs and is suited to his case May it please your Honor to grant the Comml this writ of Spia decedat &c

H S & D R Kemmer

Lee County Court

This day William A Jones personally came before me the undersigned a justice of said County and made oath that the allegations contained in the foregoing bill are true so far as they depend upon his own knowledge and that so far as they depend upon the information derived from others he believes them to be true Given under my hand this 17th day of August 1858

John Riddle JP



Wm A Jones guardian &c

vs { Bill

Stephen B F Habermid & others

filed August 17<sup>th</sup> 1858

R. M. Hamblen Etc

Sept continued,

Sept Rules '58, ordered that John M. Stallard be appointed guardian ad litem for infant Defendants Guardian ad litem H & Morgan, R. M. Answer, filed Oct Rules 1858

R. M. Hamblen Etc

Dispositions William A Jones vs Habermid & others filed Oct Rules 1858.

R. M. Hamblen Etc

Oct Court, set for hearing by Plaintiff &c

Oct 1858, heard for sale of land &c

1857, Jan'y, Feb'y, March, &c. Continued

May term 1859

Decease & cont'd

May term 1860

Decease & cont'd

Oct 1860, Decease final

Recd my fee as guardian ad litem of the within case within 10 days of Oct 1860

Recd of Wm A. Jones \$6.81 cent. in full of my fees in this case against the bill of 10<sup>th</sup> 1860

R. M. Hamblen Etc

C 6.44.

C \$ 6.81

A 15.00

S 1.50  
\$ 23.31

to ad Litem 5.00  
\$ 28.31



To the Honorable Samuel V. Fulkerson Judge of  
the circuit court for Lee county.

The answer of Stephen B. F. Habourn & Malissa C. Habourn  
infant heirs of A. F. Habourn <sup>deceased</sup> by John W. Stallard  
their guardian ad litem to a bill exhibited against  
them in the circuit court of Lee County by Wm. A. Jones  
their guardian. For answer to said bill say that they  
are infants of too tender years to know anything about  
the facts or statements in said bill & your respondents are  
informed that a court of equity is to protect the rights  
& interests of infants & see that no injustice is done to them.  
Your respondents by their guardian ad litem admit from  
the deposition of Wm. A. L. Barron filed in the cause who  
proves that the several portions of land that your respondents  
have an interest in lie in different places & very  
much disconnected & would be better to have their interest  
sold. that the money accruing from the sales loaned at  
interest would be more advantageous to your respondents  
than the land & the rents & profits, It might be for the  
best for your Honor to decree a sale of all their interests  
in the several parcels of land mentioned in said bill  
& the money loaned by their guardian at <sup>disposition of your Honor</sup> interest under the  
Your respondents <sup>therefore</sup> submit all their rights & interest  
in the premises to the protection of your Honor &  
prays <sup>to recover their</sup> ~~to be disposed~~ with their consent

Lee Co

I W. Stallard answer as  
guardian ad litem for

S. B. F. & M. C. Habourn

infant heirs of A. F. Habourn <sup>deceased</sup>


Fee for filing this answer \$5.00

Sworn to 22 day of Sept 1888

R. M. Hamblen C. C.



The answer of S. B. J. & M.  
to the town by Dr. Stollard  
their guardian ad litem

~~to~~  A. B. J. & M.  
Mr. A. Jones Guardian ad litem

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Answer filed Oct. Rules 1838  
Wm. H. Hombler & Co.



Wm A Jones Guardian &c

vs

Stephen B D. Haburn & others

} In chq

This cause came on again to be heard this 10th day of October 1860 upon the papers formerly read in this case and the Report of Comr Wm N. G. Barron; And it is no exceptions having been taken to said report the same is hereby affirmed: And it appearing to the court from said Report that said Barron had collected and paid over to the proper persons entitled thereto the whole of the money arising from the sale of the lands sold by him under a former decree in this case, It moreover appearing to the court from said report that said Commissioner that he had conveyed to the purchasers the whole of the lands thus sold by him. To ~~the purchasers thereof~~. It is therefore considered by the court that the object of this suit having been fully accomplished that the same be ordered to be stricken from the court docket.



Wm A. Jones

vs { Deceit

S B J. Haburn & Co

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Oct 1860

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Entered

Enter This  
S. V. L.



Wm A Jones Guardian of

vs

Stephen B F Haburn & Ors

In chancery

This cause came on again to be heard this 9th day of May 1860, and it appearing to the court from the report of P. Hagan who was made a comr by a former order of this court for that purpose that Manasha Ann Jones, who was formerly the Widow of Andrew J Haburn Decd is entitled to \$171.71 with interest from the 1st day of April 1859 as her dower in the lands heretofore sold by comr Wm A J Barron under a former decree in this case. It is therefore ordered and decreed that said Barron pay over to the said Manasha Ann Jones & Wm A Jones the said sum of \$171.71 with interest thereon from the 1st day of April 1859 and the remainder of the proceeds of <sup>and by said decree</sup> the sale of the lands sold by him, to pay over to Wm A Jones the Guardian of Stephen B F Haburn & Malipa C Haburn, infant children of Andrew J. Haburn Decd <sup>when collected by him</sup> by first retaining out of said fund in his hands a sufficient sum of money to pay the whole costs of this suit and the coms to said Barron for his services in collecting & paying over said sum of money. It is further ordered and decreed that said Barron convey with special warranty the lands heretofore sold by him to the purchasers when ever the whole of the purchase money be paid up by them, and make report thereof to the next term of this court, to which time this case is continued



Wm A Jones Guardian<sup>86</sup>  
vs { Decree

S B F Haburn Voths

May Term 1860

Order This  
S. V. L.



Wm A Jones Guardian &c  
vs

Stephen B F Haberm & c<sup>ts</sup>

} In chy

This cause came on again to be heard this 10<sup>th</sup> day of May 1839 And it appearing to the Court from the report of Wm A S Barron who was heretofore appointed a commissioner by a former decree in this case to make sale of the lands in the bill & proceedings mentioned that in obedience of said decree said Comr. had made sale of the land in the bill & proceedings mentioned. The Widows dower being included therein at the price of \$625.00 upon a credit of Six & twelve months with interest thereon from the date of said sale, <sup>all of which appears by the report of said comr.</sup> - It is therefore considered by the Court that the report of said Commissioner be affirmed & that he proceed to collect said sum of money when due, and report the same to the next term of this Court to which time this case is continued - But before said comr. is authorized to collect said money he is required to execute bond with surety in the penalty of \$1250 - with conditions to pay over and account for as the Court may direct, all sums received by him under this decree

It is further ordered that P. Hagans - he and he is appointed a comr. to ascertain the present value of the widow's dower interest in said \$625, and report to the next term of this Court.



Wm A Jones Guardian <sup>vs</sup>  
vs { Deere

Stephen B F Habum Voths  
May term 1859

Entered on Pg. 389

Enter this

S. V. F.







will be isolated thereby & the widow  
being willing to take a sum in gross  
in lieu of her dower in said land  
and that the whole may be sold  
together -

Wm A Jones

vs & Dora

S B F Haburn & Co



The Depositions of Wm N G Barron Esq  
taken at Lee Count House this 20th day of Sept  
1858 to be read as evidence on behalf of Wm A  
Jones Guardian of Stephen B F Habern & Oth  
in a Suit in chy now pending in the  
Circuit Court of Lee County Va wherein  
the said Wm A Jones Guardian He is Compt  
& Stephen B F Habern & Malissa Habern  
his wards & Oth are Defs.

Wm N G Barron a witness of lawful  
age after being duly sworn deposes & saith  
that I was one of the commission made partition  
of the land to which Stephen B F Habern &  
Malissa Habern iffant of Andrew J Habern De  
was entitled to 7450 acrer tract which was  
purchased of Solomon Collier which ~~seventy~~  
part was rated at one hundred dollars  
also 6 acres and 13 poles which ~~was~~ Jonathan J  
Jones & of his interes rated at \$40-00 per  
acre also  $\frac{1}{4}$  of  $\frac{1}{12}$  of Jonathan J Jones  
interest in Mary Jones dower rated at  
\$100-00 also  $\frac{1}{4}$  of  $\frac{1}{12}$  of Ransom Russell  
interest in Mary Jones dower rated at  
\$100-00 also  $\frac{1}{4}$  of Ransom Russell interest  
which was 10 acres rated at \$23-00 per acre  
all of which parcel of Land is not connect  
together own to their disconnection and  
not having no timber for fencing and they  
are laying in the body of other mens lands  
and have no water on them taken all those  
circumstances together I would think it  
would be better to sell the land appropri-  
ate the money in some other way which  
would be to the interest of the children



considerably more than the rents  
of those lands Manashan Haben the  
widow of J. T. Haben Dec who has lately  
married J. M. Jones is entitled to dower  
in the above described land which  
I would consider one third of its  
valuation as described I think the  
land described would bring a fair  
price if sold under a decree of the  
court and further this deponent doubts  
not

J. N. G. Barron

Virginia Lee County Court

I William Marshall an acting justice  
of the peace in and for said county do  
hereby certify that the foregoing depositions  
of Wm. N. G. Barron was duly taken  
Sworn to & subscribed by said witness  
at the time & place mentioned in  
the caption - And I moreover certify  
that said depositions was taken in the  
presence of John W. Stallard the guardian  
& attorney for Stephen B. T. Haben &  
Malissa Haben. Given under my  
hand this 20th day of Sept 1858  
William Marshall Jp

Justice engaged 1 hour 0.75<sup>cts</sup>

William Marshall



Wm A Jones Guardian <sup>of</sup>  
vs { Depo  
}

Stephen B F Haberm <sup>He</sup>

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Recd of Wm Marshall  
Justice before whom  
taken and filed 20<sup>th</sup> day of  
Sept 1838

R. W. Hamblett clk



William A Jones Guardian &c  
vs

In chy

Stephen B F Haburn & c

Pursuant to a decree of the Circuit Court of Lee County rendered at the May term of said Court 1860. The undersigned who was appointed a commissioner for that purpose has collected the whole of the purchase money for the lands theretofore sold by him under a former decree in this case & which has heretofore been reported in this case by him; and out of the proceeds of the sale thereof he did on the 21<sup>st</sup> day of June 1860 pay over to the said Wm A Jones & Manassha Ann his Wife the sum of \$184.15 It being the said amount as due to the said Manassha Ann Jones as her dower interest in said lands - and the remainder thereof being the sum of \$435.27 after deducting therefrom the sum of \$50.71 for the costs of said suit which sum your Commissioner has paid to the <sup>persons</sup> ~~persons~~ who were entitled to the same. He has also paid over to Wm A Jones the Guardian of Stephen B F Haburn & Malissa C Haburn infant children of Andrew J Haburn Deceased who were entitled to the same as appears <sup>by</sup> ~~from~~ a former decree in this case; Your Comr has also conveyed the lands heretofore sold by him under a former decree in this case to James H Jones & Geo Riddle the purchasers thereof. All of which is respectfully submitted

Wm N G Barron Comr



Wm N G Barron

Report  
Oct 1860



William A Jones Guardian &c }  
 against } In ch  
 S. B. H. Habern & others }

To the Circuit Court of Lee County Virginia  
 I the undersigned Commissioner appointed by this  
 Court at the May term thereof 1858 for the  
 purpose of ascertaining the present value  
 of the dower interest of Manasha Ann Jones  
 formerly widow of Andrew J Habern dec'd in  
 the tract of land sold by Comr Wm A J Barron  
 on the 1<sup>st</sup> of April 1858 for the sum of \$625.

Be it remembered that I have ascertained her  
 dower interest to be worth on the 1<sup>st</sup> day of  
 April 1858 the sum of \$111.71

In obtaining this result I first ascertained the age of said widow to be on the 1<sup>st</sup> of April 1858, 31 years which by the Table of Expectation of life found in 2<sup>nd</sup> Rob. 12 makes her expectation of life to be 29.84 years. I then ascertained the legal interest on \$208.33 1/3 This being the one-third of the said sum of \$625. to be \$12.50. I then ascertained the present value of annuity of \$1. for the said space of 29.84 years and multiplied this sum by \$12.50 which gave the above result.

Respectfully Submitted

Patrick Hagan Comr



Wm A Jones Guadalupe

no { Rep of Lower Ind

S. B. F. Hoburn & Co



Wm A Jones Guardian

{ In chy

Stephen B F Haburn & Co

}

Pursuant to a decree of the circuit Court of Lee County made the 13<sup>th</sup> day of Oct 1858 in the above case. The undersigned who was appointed a Commissioner under said <sup>for that purpose</sup> decree, after first having given 30 days notice of the time & place of sale, by putting advertisements in Writing for that space of time at Lee Court House, Jonathan Richmond Stone House &c, in said County, did on the 1<sup>st</sup> day of April 1859 Offer for Sale <sup>upon the premises</sup> to the highest bidder, on a credit of six & twelve months bearing Interest from the date of sale, the various parcels of land &c as laid off & the undivided interests as mentioned in said decree & proceedings, and John Riddle became the purchaser <sup>at said sale</sup> of the given & 80 pole lot at the price of \$200.00, and Jas F. Jones became the purchaser of the residue of the land and undivided interest of land in the said decree & proceedings mentioned at the price of \$425.00 there being no other person willing to give any greater sum than the <sup>for said lands</sup> above, and the said Riddle & Jones thereupon executed their notes <sup>with approved security</sup> to the undersigned Comr. for the aforesaid sums of money payable in six & twelve months bearing interest from the date of said sale. All of which is respectfully submitted &c

Wm N. G. Barron Comr



Wm N G Barron<sup>1</sup> comr  
To  $\frac{1}{3}$  Report



A Statement of the four acres & 6 of Certain parcels  
of land laid off & allotted to Stephen B F Habern  
& Malissa b Habern Infant heirs at law of Andrew  
T Habern Deed as laid off by Commissioners  
under an order of The County Court of  
Lee County - as follows to wit - One lot or  
parcel of Nine acres & a half of land in the tract  
that was drawn in the name of Ransom Russell - bounded  
as follows - Beginning on a stake in mud hole in a  
line of Mary Jones dower S 48 W 57 poles to a stake  
in a line of Wyeths Heirs land, S 50 E 16 poles  
to a stake in a line of Mary Jones dower  
& with said line N 70 E 60 poles to a stake or  
rock corner to D dower & with a line of the  
same N 43 W 39 poles to the beginning -

Also 6 acres & 13 poles out of the lot drawn  
by Jonathan T Jones - Bounded as follows

Beginning at a stake or Mulberry post North  
West of Wm Coopers corner Thence N 43 E 21  
poles to a Mulberry post corner to Mary Jones  
lot - Thence with gas T Jones Wm P Jones & Mary  
Jones line N 30 W 49 poles to a locust post on a  
line of Wyeths Heirs S 42 W 20 poles with Wyeths  
heirs line to a Mulberry post corner to Jackson  
M Jones line - & with the line of the same S 27 E  
48 poles to the beginning

Also the following undivided parcels  
of land laid off ~~as follows to said heirs and land~~  
to wit - One seventh of 50 acres of land lying on the  
N side of Wallins Ridge & purchased of Sol Collins  
by <sup>a portion of</sup> S Jones heirs - Also  $\frac{1}{7}$  of  $\frac{1}{12}$  of Mary Jones dower  
It being Jonathan T Jones interest in Mary Jones dower  
<sup>and said heirs are entitled to said  $\frac{1}{7}$  of the  $\frac{1}{12}$  as of one in</sup>  
Also  $\frac{1}{7}$  of  $\frac{1}{12}$  of Mary Jones dower It being  
Ransom Russells interest in said dower. said heirs  
being entitled to  $\frac{1}{7}$  of said  $\frac{1}{12}$  of said dower



Description of land  
Eschiet (A)

---



leading in the same manner as Parson  
was turned over said Pratt to have  
pasture.

Pratt  
The said releases his claim  
against Elmer for any timber  
that was to furnish him

Pratt is to have 3 years fire wood  
off of the Hope Staburn lot, & to  
all the rest off the land accord  
to him ~

In witness whereof we have  
set our hands &c

Henry, Co  
D. F. H.



of an agreement between A. L. Slump of the  
part and Det Stiaatt of the other part  
parties of the County of Lee State of Virginia  
weth that the said A. L. Slump this day  
into the said Stiaatt (1757) acres of Land  
less and is to turn it over with all  
appertanances as follows, viz. He gives the  
Stiaatt privilege of seading some if he choases  
Ben & Ann lots <sup>now</sup> and gives him full  
one of both lots on the 1<sup>st</sup> March 1871 -  
the old Haburn houses and the lot  
them, and James Curragin lease  
contract he assigns over to said Stiaatt  
turns over his tenant John Parsons  
is to have the houses in which he now  
and the stable  
for 1 year from 1<sup>st</sup> March 1871, he is also  
stack about 20 acres of wheat <sup>with</sup> he has  
in the Malissa lot then Stiaatt is to  
al partners in dressing &c, and Stiaatt  
et Half the wheat raised; The said  
is to cultivate the Thomas Haburn lot  
and is to give  $\frac{2}{3}$  of what he raises  
to other heirs who have interest are satisfied for  
rents out of the crop equally -  
said Slump binds himself to turnover to  
Stiaatt full possession of Estate & lease  
appertanances on the 1<sup>st</sup> March 1872.  
He gives Stiaatt full possession of the interest  
in spring & spring lot and the house & in  
center now lives and the hog pen and  
Grouse on 1<sup>st</sup> March 1870 including all  
and appertanances not excepted  
sons is to have firewood & water off the  
said Slump turns over Curragin



Consideration of the sum of one  
hundred \$3700.00. Dollars in hand  
and secured to be paid, the receipt  
hereby acknowledged; the said Henry C.  
and Malissa his wife, do grant, bargain,  
sell unto the said John A. G. Hiett, certain  
tracts or parcels of Land, lying and being in  
said County of Lee, in the Turkey Bone, and  
being parts of the tract of Land of Benj. F. Hall  
parts the said A. G. Hiett has for  
the heirs, Benj. F. Haburn  
his wife, etc.  
The  
at a stake  
corner to lot  
180 poles to a beech and as pointer  
N 16 E 125 poles to a stake of Hallens  
thence with the top of a large N 53 E 20  
to a stake corner to the Land that was allotted  
to George W. Haburn, and with lines thereof N 17  
126 poles to a Rock, Six steps below a large pop  
N 35 W 100 poles to a Stake in the waggon Road,  
thence southerly with the meanderings of said River  
supposed to be 27 poles to a stake in original line  
and with the same S 60 W supposed to 35 poles to the  
beginning; Containing 50 acres more or less.



Begin at 2 sugar trees near down corner of Spring  
p 312 E 148/160 to Rocks 6 stakes below a large  
rock, S 12 E 114 to stake on top of Wallers Ridge

From

James M.

435

city  
for the county and state of Iowa  
Jesse Jones



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Stephen B. Haburn and Malissa*  
*Haburn his wards and heirs at law of Andrew*  
*J. Haburn deceased. and Manasha and Jones*  
*and Manasha and Jones.*

to appear before the Judge of the Circuit Court for Lee County, at the Court House, in the Clerk's Office, at Rules  
to be held on the first Monday in ~~August next~~ *August next* to answer *William*

*A Jones Guardian &c in a bill in Chancery exhibited*  
*in our said said Court against them by William A Jones*  
*Guardian &c*

And have then there this writ. Witness, RICHARD M. HAMBLÉN, Clerk of our said Court, at the Court House,  
this *19<sup>th</sup>* day of *July* 185*8*, in the *83<sup>rd</sup>* year of the Commonwealth.

*R. M. Hamblen C. C. C.*



<sup>Kans</sup>  
Wm A Jones Esq

75 1/2 Ssa in chancery  
Stephen B. F. Haburn  
Malissa C. Haburn

August Rules 1838

See entry on Stephen  
B. F. Haburn & Malissa  
C. Haburn & Mary Ann Haburn  
July 7<sup>th</sup>

29<sup>th</sup> 1838

A. R. Rapier D.